



# UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE  
United States Patent and Trademark Office  
Address: COMMISSIONER FOR PATENTS  
P.O. Box 1450  
Alexandria, Virginia 22313-1450  
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/635,736	08/09/2000	Nizar Allibhoy	22925-701-7-US	5910

7590 08/22/2005  
Blakely Sokoloff Taylor & Zafman LLP  
12400 Wilshire Boulevard  
Seventh Floor  
Los Angeles, CA 90024

EXAMINER

NGUYEN, PHUOC H

ART UNIT PAPER NUMBER

2143

DATE MAILED: 08/22/2005

Please find below and/or attached an Office communication concerning this application or proceeding.



**Office Action Summary**

Application No.

09/635,736

Applicant(s)

ALLIBHOY ET AL.

Examiner

Phuoc H. Nguyen

Art Unit

2143

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --  
Period for Reply.

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 10 December 2004.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-17 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-17 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)  
Paper No(s)/Mail Date \_\_\_\_\_
- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_\_
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: \_\_\_\_\_



## **DETAILED ACTION**

### ***Response to Amendment***

1. This office action is in response to the amendment filed on December 10, 2004. Previous office action contained claims 1-17. Amendment filed on December 10, 2004 have been entered and made of record. Therefore, pending claims 1-13 are presented for further consideration and examination.

### ***Response to Arguments***

2. Applicant's arguments with respect to claims 1 and 10 have been considered but are moot in view of the new ground(s) of rejection.

### ***Claim Rejections - 35 USC § 102***

3. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

4. Claims 1-17 are rejected under 35 U.S.C. 102(e) as being anticipated by Ellis et al.

(Hereafter, Ellis) U.S. Patent 6,898,762.

5. Regarding claims 1 and 10, Ellis Figures 22-24 discloses a method of enhancing the ability of a user to interact with a plurality of content providers coupled to a network, the plurality of content providers offering a plurality of enhanced content programming via the network, wherein



Art Unit: 2143

said user interacts with the plurality of content providers via a receiver coupled to the network, the method comprising the steps of: receiving a set of trigger filters (e.g. expression) from the receiver, storing said set of trigger filters in a data base (e.g. user define the expression and transmit the expression to the server for storing; Figure 22; and col. 21 lines 60-64); detecting triggers embedded in each of the plurality of enhanced content programming, comparing said detected triggers with said set of trigger filters (e.g. server obtains program listing or videos from its own database or from the other facilities and comparing with the user expression to identify the matching; (col. 22 1<sup>st</sup> paragraph); identifying a set of the plurality of enhanced content programming (e.g. videos) in which said detected triggers embedded in said set of enhanced content programming conform to said set of trigger filters, and preferentially coupling each of said set of enhanced content programming to the receiver (e.g. after the server detect there is a match between the user expression and the program provide by the other facilities, then it may display the results on the user television equipment; col. 22 1<sup>st</sup> paragraph).

6. Regarding claims 2 and 17, Ellis further discloses set of trigger filters is based on information type (e.g. specific actor that the user wants to watch; Figures 9a-9b).
7. Regarding claims 3-5 and 11-12, Ellis further discloses transmitting a notification indicator for each occurrence in which said detected triggers embedded in said set of enhanced content programming conforms to said set of trigger filters, and wherein the notification indicator is an audible signal, and on-screen graphic (col. 14 lines 24-37; and col. 17 lines 22-46).
8. Regarding claims 6, 13, and 15, Ellis further discloses selecting said notification indicator, said selecting step performed by the receiver (col. 14 lines 24-37).
9. Regarding claim 7, Ellis further discloses preferential coupling step further comprising the steps of overriding current receiver programming and directing each of said set of enhanced content programming to the receiver immediately upon detection (col. 17 lines 37-46).



Art Unit: 2143

10. Regarding claim 8, Ellis further discloses receiving a set of priorities corresponding to each of said set of trigger filters, and storing said set of priorities in said data base, wherein said step of preferential coupling is performed in accordance with said set of priorities (e.g. user can set the preference levels which the user want to watch; col. 15 lines 15-29 and col. 18 liens 17-23).
11. Regarding claim 9, Ellis further discloses monitoring each of a plurality of user transactions between the receiver and the plurality of content providers, extracting transaction information from at least a portion of said plurality of user transactions, storing said extracted transaction information in a data base controlled by a third party, and forming said set of trigger filters based on a combination of at least a portion of said extracted transaction information (col. 19 lines 11-65; and col. 20 liens 3-16).
12. Regarding claim 14, Ellis further discloses the step of receiving said set of trigger identifiers from a network operator (col. 4 lines 20-30).
13. Regarding claim 16, Ellis further discloses set of trigger identifiers correspond to the plurality of content providers (col. 4 lines 10-20).

#### *Conclusion*

14. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Birdwell et al. U.S. Patent 6,108,706

Estipona U.S. Patent 6,795,973

Maillard et al. U.S. Patent 6,807,675

Bunney et al. U.S. Patent 6,697,792



Art Unit: 2143


Any inquiry concerning this communication or earlier communications from the examiner should be directed to Phuoc H. Nguyen whose telephone number is 571-272-3919. The examiner can normally be reached on Monday - Friday.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, David Wiley can be reached on 571-272-3923. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Phuoc H Nguyen  
Examiner  
Art Unit 2143

August 8, 2005

  
**DAVID WILEY**  
SUPERVISORY PATENT EXAMINER  
TECHNOLOGY CENTER 2100